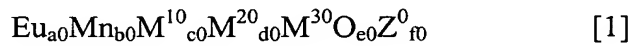


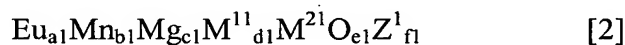
IN THE CLAIMS

Please amend the claims as follows:

Claim 1 (Currently Amended): A phosphor comprising a crystal phase having any one chemical composition of the following formulas [1] to [4] [3]:

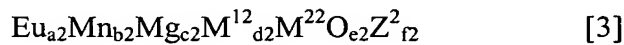


wherein M^{10} is a divalent element containing 85 mol% or more of at least one element selected from the group consisting of Ba, Ca and Sr, in which the ratio (molar ratio) of Ca to the sum of Ba and Ca is from 0.1 to 0.9; M^{20} represents at least one element selected from the group consisting of a monovalent, trivalent and pentavalent elements; M^{30} represents a group of tetravalent elements containing Si and Ge in a total amount of 90 mol% or more; Z^0 is at least one element selected from the group consisting of a minus monovalent and minus divalent elements, H and N; and a_0 is a number satisfying $0.001 \leq a_0 \leq 0.6$, b_0 is a number satisfying $0 < b_0 \leq 0.7$, c_0 and d_0 are numbers satisfying $0 \leq d_0/(c_0+d_0) \leq 0.2$, a_0 , b_0 , c_0 and d_0 are numbers satisfying $1.8 \leq (a_0+b_0+c_0+d_0) \leq 2.2$, and e_0 and f_0 are numbers satisfying $0 \leq f_0/(e_0+f_0) \leq 0.035$ and $3.6 \leq (e_0+f_0) \leq 4.4$:



wherein M^{11} represents at least one element selected from the group consisting of a monovalent element, a divalent element except Eu, Mn and Mg, a trivalent element and a pentavalent element, in which the proportion of the divalent element is 80 mol% or more, the proportion of the sum of Ba, Ca and Sr is 40mol% or more, and the ratio (molar ratio) of Ca to the sum of Ba and Ca is from 0.2 to 0.9; M^{21} represents a group of tetravalent elements containing Si and Ge in a total amount of 90 mol% or more; Z^1 is at least one element selected from the group consisting of a minus monovalent and minus divalent elements, H and N; and a_1 is a number satisfying $0.001 \leq a_1 \leq 0.8$, b_1 is a number satisfying $0 < b_1 \leq 0.8$, c_1

and d1 are numbers satisfying $0 < c1/(c1+d1) \leq 0.2$, a1, b1 c1 and d1 are numbers satisfying $1.8 \leq (a1+b1+c1+d1) \leq 2.2$, and e1 and f1 are numbers satisfying $0 \leq f1/(e1+f1) \leq 0.035$ and $3.6 \leq (e1+f1) \leq 4.4$:



wherein M^{12} represents at least one element selected from the group consisting of a monovalent element, a divalent element except Eu, Mn and Mg, a trivalent element and a pentavalent element, in which the proportion of the divalent element is 80 mol% or more, the proportion of the sum of Ba, Ca and Sr is 40mol% or more, and the ratio (molar ratio) of Ca to the sum of Ba and Ca is less than 0.2; M^{22} represents a group of tetravalent elements containing Si and Ge in a total amount of 90 mol% or more; Z^2 is at least one element selected from the group consisting of a minus monovalent and minus divalent elements, H and N; and a2 is a number satisfying $0.0003 \leq a2 \leq 0.8$, b2 is a number satisfying $0 < b2 \leq 0.8$, c2 and d2 are numbers satisfying $0 < c2/(c2+d2) \leq 0.2$ or $0.3 \leq c2/(c2+d2) \leq 0.8$, a2, b2 c2 and d2 are numbers satisfying $1.8 \leq (a2+b2+c2+d2) \leq 2.2$, and e2 and f2 are numbers satisfying $0 \leq f2/(e2+f2) \leq 0.035$ and $3.6 \leq (e2+f2) \leq 4.4$.

Claim 2 (Currently Amended): [[A]] The phosphor according to claim 1 comprising a crystal phase having a chemical composition of said formula [1], wherein M^{10} is a divalent element containing 85 mol% or more of at least one element selected from the group consisting of Ba, Ca and Sr, in which the ratio (molar ratio) of Ca to the sum of Ba and Ca is from 0.2 to 0.8; M^{20} represents at least one element selected from the group consisting of a monovalent, trivalent and pentavalent elements; M^{30} is Si; [[Z]] Z^0 is at least one element selected from the group consisting of a minus monovalent and minus divalent elements, H and N; and a0 is a number satisfying $0.02 < a0 \leq 0.5$, b0 is a number satisfying $0 < b0 \leq 0.7$, c0

and d_0 are numbers satisfying $0 \leq d_0/(c_0+d_0) \leq 0.1$, a_0 , b_0 , c_0 and d_0 are numbers satisfying $1.9 \leq (a_0+b_0+c_0+d_0) \leq 2.1$, and e_0 and f_0 are numbers satisfying $0 \leq f_0/(e_0+f_0) \leq 0.01$ and $3.8 \leq (e_0+f_0) \leq 4.2$.

Claim 3 (Currently Amended): $[[A]]$ The phosphor according to claim 1 comprising a crystal phase having a chemical composition of said formula [2], wherein M^{11} represents at least one element selected from the group consisting of a monovalent element, a divalent element except Eu, Mn and Mg, a trivalent element and a pentavalent element, in which at least one element selected from the group consisting of Ba, Ca and Sr is contained in an amount of 85mol% or more, and the ratio (molar ratio) of Ca to the sum of Ba and Ca is from 0.2 to 0.8; M^{21} is Si; $[[Z]] \underline{Z}^1$ is at least one element selected from the group consisting of a minus monovalent and minus divalent elements, H and N; and a_1 is a number satisfying $0.01 < a_1 \leq 0.5$, b_1 is a number satisfying $0 < b_1 \leq 0.7$, c_1 and d_1 are numbers satisfying $0 \leq d_1/(c_1+d_1) \leq 0.2$, a_1 , b_1 , c_1 and d_1 are numbers satisfying $1.9 \leq (a_1+b_1+c_1+d_1) \leq 2.1$, and e_1 and f_1 are numbers satisfying $0 \leq f_1/(e_1+f_1) \leq 0.01$ and $3.8 \leq (e_1+f_1) \leq 4.2$.

Claim 4 (Currently Amended): $[[A]]$ The phosphor according to claim 1 comprising a crystal phase having a chemical composition of said formula [3], wherein M^{12} represents at least one element selected from the group consisting of a monovalent element, a divalent element except Eu, Mn and Mg, a trivalent element and a pentavalent element, in which the proportion of the divalent element is 80 mol% or more, the proportion of the sum of Ba, Ca and Sr is 40mol% or more, and the ratio (molar ratio) of Ca to the sum of Ba and Ca is less than 0.2; M^{22} represents a group of tetravalent elements containing Si and Ge in a total amount of 90 mol% or more; $[[Z]] \underline{Z}^2$ is at least one element selected from the group

consisting of a minus monovalent and minus divalent elements, H and N; and a_2 is a number satisfying $0.01 < a_2 \leq 0.5$, b_2 is a number satisfying $0 < b_2 \leq 0.8$, c_2 and d_2 are numbers satisfying $0 < c_2/(c_2+d_2) \leq 0.2$ or $0.3 \leq c_2/(c_2+d_2) \leq 0.7$, a_2 , b_2 , c_2 and d_2 are numbers satisfying $1.9 \leq (a_2+b_2+c_2+d_2) \leq 2.1$, and e_2 and f_2 are numbers satisfying $0 \leq f_2/(e_2+f_2) \leq 0.01$ and $3.8 \leq (e_2+f_2) \leq 4.2$.

Claim 5 (Currently Amended): The phosphor according to ~~any one of claims~~ claim 1 to 4, wherein the phosphor comprises a specified crystal phase obtained from X-ray diffraction measurement, wherein the crystal phase satisfies the following conditions:
(Conditions)

In X-ray diffraction measurement using a $\text{CuK}\alpha$ as an X-ray source, a diffraction peak is observed within the range (R0) of the diffraction angle (2θ) of from 21.30° to 22.50° , and when this diffraction peak is taken as a reference diffraction peak (P0) and 5 diffraction angle ranges derived from the Bragg angle (θ_s) of P0 are taken as R1, R2, R3, R4 and R5, at least one diffraction peak exists in these 5 ranges, with the proviso that P0 has an intensity of 20% or more by the diffraction peak height ratio, based on the strongest diffraction peak of said 6 or more crystal phase-derived diffraction peaks, and the other peaks has an intensity of 9% or more by the diffraction peak height ratio, wherein when two or more diffraction peaks exist in one angle range, a peak higher in intensity is selected.

$$R1: 2 \times \arcsin \{ \sin(\theta_0) / (0.720 \times 1.015) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.720 \times 0.985) \}$$

$$R2: 2 \times \arcsin \{ \sin(\theta_0) / (0.698 \times 1.015) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.698 \times 0.985) \}$$

$$R3: 2 \times \arcsin \{ \sin(\theta_0) / (0.592 \times 1.015) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.592 \times 0.985) \}$$

$$R4: 2 \times \arcsin \{ \sin(\theta_0) / (0.572 \times 1.015) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.572 \times 0.985) \}$$

$$R5: 2 \times \arcsin \{ \sin(\theta_0) / (0.500 \times 1.015) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.500 \times 0.985) \}$$

Claim 6 (Currently Amended): The phosphor according to ~~any one of claims~~ claim 1 to 4, wherein said crystal phase satisfies the following conditions:

(Conditions)

In X-ray diffraction measurement using a $\text{CuK}\alpha$ as an X-ray source, a diffraction peak is observed within the range (R0) of the diffraction angle (2θ) from 21.30° to 22.50° , and when this diffraction peak is taken as a reference diffraction peak (P0) and 5 diffraction angle ranges derived from the Bragg angle (θ s) of P0 are taken as R1, R2, R3, R4 and R5, at least one diffraction peak exists in these 5 ranges, with the proviso that P0 has an intensity of 20% or more by the diffraction peak height ratio, based on the strongest diffraction peak of 6 or more ~~H1-derived~~ crystal phase-derived diffraction peaks, and the other peaks has an intensity of 9% or more by the diffraction peak height ratio, wherein when two or more diffraction peaks exist in one angle range, a peak higher in intensity is selected.

$$\text{R1: } 2 \times \arcsin \{ \sin(\theta_0) / (0.720 \times 1.010) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.720 \times 0.990) \}$$

$$\text{R2: } 2 \times \arcsin \{ \sin(\theta_0) / (0.698 \times 1.010) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.698 \times 0.990) \}$$

$$\text{R3: } 2 \times \arcsin \{ \sin(\theta_0) / (0.592 \times 1.010) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.592 \times 0.990) \}$$

$$\text{R4: } 2 \times \arcsin \{ \sin(\theta_0) / (0.572 \times 1.010) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.572 \times 0.990) \}$$

$$\text{R5: } 2 \times \arcsin \{ \sin(\theta_0) / (0.500 \times 1.010) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.500 \times 0.990) \}$$

Claim 7 (Original): A phosphor comprising a crystal phase of an alkali earth silicate containing at least one element selected from the group consisting of Ba, Sr, Ca and Mg, wherein said crystal phase is a crystal phase satisfying the following conditions:

(Conditions)

In X-ray diffraction measurement using a $\text{CuK}\alpha$ as an X-ray source, a diffraction peak is observed within the range (R0) of the diffraction angle (2θ) from 21.30° to 22.50° , and when this diffraction peak is taken as a reference diffraction peak (P0) and 5 diffraction angle ranges derived from the Bragg angle (θ_s) of P0 are taken as R1, R2, R3, R4 and R5, at least one diffraction peak exists in these 5 ranges, with the proviso that P0 has an intensity of 20% or more by the diffraction peak height ratio, based on the strongest diffraction peak of said 6 or more crystal phase-derived diffraction peaks, and the other peaks has an intensity of 9% or more by the diffraction peak height ratio, wherein when two or more diffraction peaks exist in one angle range, a peak higher in intensity is selected.

$$\text{R1: } 2 \times \arcsin \{ \sin(\theta_0) / (0.720 \times 1.010) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.720 \times 0.990) \}$$

$$\text{R2: } 2 \times \arcsin \{ \sin(\theta_0) / (0.698 \times 1.010) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.698 \times 0.990) \}$$

$$\text{R3: } 2 \times \arcsin \{ \sin(\theta_0) / (0.592 \times 1.010) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.592 \times 0.990) \}$$

$$\text{R4: } 2 \times \arcsin \{ \sin(\theta_0) / (0.572 \times 1.010) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.572 \times 0.990) \}$$

$$\text{R5: } 2 \times \arcsin \{ \sin(\theta_0) / (0.500 \times 1.010) \} \text{ to } 2 \times \arcsin \{ \sin(\theta_0) / (0.500 \times 0.990) \}$$

Claim 8 (Currently Amended): A light emitting device comprising a first light emitter which emits light of 350 nm to 430 nm and a second light emitter which emits visible light by irradiation of light from the first light emitter, wherein the second light emitter contains the phosphor according to ~~any one of claims~~ claim 1 to 7.

Claim 9 (Original): The light emitting device according to claim 8, wherein the first light emitter is a laser diode or a light emitting diode.

Claim 10 (Currently Amended): A lighting system comprising the light emitting device according to claim 8 ~~or 9~~.

Claim 11 (Currently Amended): An image display unit comprising the light emitting device according to claim 8 ~~or 9~~.